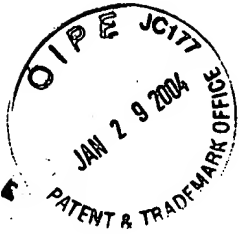


Image AF/1754



MS AF
RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1754

PATENT
0946-0113P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: OHZEKI, Katsutomo et al. Conf.: 6799
Appl. No.: 09/254,316 Group: 1754
Filed: March 4, 1999 Examiner: Hendrickson, S.
For: GRAPHITE POWDER FOR NEGATIVE ELECTRODE
OF LITHIUM ION SECONDARY CELL AND METHOD
OF PRODUCING THE SAME

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

January 29, 2004

Sir:

Applicants hereby appeal to the Board of Appeals from the decision dated July 29, 2003 of the Primary Examiner finally rejecting claims 1-3, 7, 8, 11, 12 and 14-16.

☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

☐ NO extensions of time have been previously obtained for responding to the Final Rejection. Thus a fee of \$0.00 is required for the full period of the above-requested extension of time.

☒ An extension of two (2) month(s) for responding to the Final Rejection was previously requested and paid for on December 16, 2003. Thus a fee of \$530.00 is required to obtain an

additional one (1) month(s) for filing the Notice of Appeal.

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of Appeals is calculated as follows:

☒ Large entity - \$330.00

☐ Small Entity - \$165.00

Therefore, the TOTAL FEE due for the filing of this Notice of Appeal is \$860.00.

Payment of the above TOTAL FEE is being made in the following manner:

☒ A check in the amount of \$860.00 is enclosed.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Edward H. Valance #19896
FOR Joseph A. Kolasch, #22,463

JAK/EHV:kdm
0946-0113P

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